

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-5, 7-12, 14-24, and 26-30 are pending in this application, Claims 29 and 30 having been added. Support for new Claims 29 and 30 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 1, 3-8, 10-12, 14-24, and 26-28 were rejected under 35 U.S.C. § 102(b) as anticipated by Hill et al. (U.S. Patent No. 6,236,981; hereinafter “Hill”); and Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Van Berkel (U.S. Patent Publication No. 2002/0190964; hereinafter “Van Berkel”).

In response to the rejection of Claims 1, 3-8, 10-12, 14-24, and 26-28 under 35 U.S.C. § 102(b) as anticipated by Hill, Applicants respectfully request reconsideration of the rejection and traverse the rejection as discussed next.

Independent Claim 1 is directed to an information processing device including, *inter alia*:

... presenting means for presenting by wireless communication user information to be read or changed by said other information processing device, ***said user information is updated on a basis of a history of use of contents provided from said other information processing device;***

specifying means for specifying permission to read or change the user information presented by said presenting means;

identifying means for identifying said other information processing device;

storing means for storing the user information read or changed by said other information processing device identified

¹ See page 21, lines 1-15 and page 55, line 23 to page 57, line 20 of the Specification.

by said identifying means in association with said other information processing device; and

communicating means for transmitting said user information by quasi-electrostatic field communication, electromagnetic wave communication, or optical communication directly between said information processing device and said other information processing device.

Independent Claims 12, 14, 15, 24, 26, 27, and 28 recite substantially similar features as Claim 1. Thus, the arguments presented below with respect to Claim 1 are also applicable to Claims 12, 14, 15, 24, 26, 27, and 28.

Page 10 of the outstanding Office Action, in the Response to Arguments section, asserts that column 13, lines 12-17 of Hill describes that “said user information is updated on a basis of a history of use of contents provided from said other information processing device.” Page 10 of the outstanding Office Action also states that Hill “clearly teaches the honoring of decisions based on previous transaction history [column 13, lines 12-17], which clearly teaches the updating of user information.” Applicants respectfully disagree.

Column 13, lines 12-17 of Hill describes:

The payer is responsible for handling requests for payment tokens. ***It receives requests from the network and decides whether to honour them.*** This decision is based on a number of factors, including user input, the number of tokens remaining and the history of previous transactions.

Thus, Hill describes that the payer, when ***deciding whether to fulfill a request from the network***, bases its decision on several factors including the history of previous transactions. In contrast, in Applicants’ Claim 1, ***user information related to a user is updated*** on a basis of a history of use of contents provided from an other information processing device. Hill does not describe that user information is ***updated*** based on the history of use of contents provided from the network, in Hill a request is merely ***allowed*** based on the transaction history. In other words, in Hill there is no updating of user information.

Further, Hill fails to teach or suggest “communicating means for transmitting said user information by quasi-electrostatic field communication, electromagnetic wave communication, or optical communication ***directly between said information processing device and said other information processing device***,” as recited in Applicants’ independent Claim 1. Pages 10-11 of the outstanding Office Action, in the Response to Arguments section, state that Hill “clearly teaches payment and merchant platform being remote from each other and communication over a network [column 2, lines 46-51]. The communication network described by Hill et al. is not limited to a wired connection and can be fulfilled by any various broader forms including wave and optical connection.” Applicants respectfully disagree.

Although Hill describes that the payment and merchant platform are located away from each other, this in no way suggests that the communications between them are transmitted by optical communication, electrostatic filed communication, or electromagnetic wave communication. In addition, column 2, lines 46-51 of Hill only broadly describes that payment tokens are transmitted over ***a communications network***, user information is not directly transmitted by optical communication, electrostatic filed communication, or electromagnetic wave communication. In fact, Hill does not specifically describe any of the communication types recited in Applicants’ Claim 1. In other words Hill does not specifically describe wireless communications that occur directly between the payment and merchant platform.

Note that MPEP § 2131 states that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” (citations omitted) (emphasis added).

Thus, Applicants respectfully submit that independent Claims 1, 12, 14, 15, 24, 26, 27, and 28 (and all claims depending thereon) patentably distinguish over Hill.

Accordingly, Applicants respectfully request the rejection of Claims 1-8 and 10-26 under 35 U.S.C. § 102(b) as anticipated by Hill be withdrawn.

In response to the rejection of Claim 9 under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Van Berkel, Applicants note that Claim 9 is dependent on Claim 1 and is thus believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that Van Berkel fails to cure any of the above-noted deficiencies of Hill. Accordingly, Applicants respectfully request that the rejection of Claim 9 under 35 U.S.C. § 103(a) as unpatentable over Hill in view of Van Berkel be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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